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COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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In the matter of: )

Sprint Communications Company L.P. )

)

Petition for Arbitration Pursuant to Section 252(b) of ) D.T.E. 00-54

the Telecommunications Act of 1996 to Establish a New )

Interconnection Agreement with Bell Atlantic- )

Massachusetts )

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OPPOSITION OF VERIZON MASSACHUSETTS  
TO SPRINT'S MOTION FOR OFFICIAL NOTICE

Verizon Massachusetts ("Verizon MA") submits this Opposition to Sprint's Motion for Official Notice. See Sprint Motion dated February 27, 2001. For the reasons discussed below, Sprint's motion should be denied because the information Sprint seeks to admit is not relevant to this proceeding.

Sprint's motion is the latest of its attempts to introduce information into this proceeding that is completely irrelevant to the issues in dispute. In this case, Sprint seeks to have the Department take "official notice" of dicta contained in a recent decision by the Federal Communications Commission ("FCC"). See Sprint Motion at ¶ 5 (citing In Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended, CC Docket 99-273, Release Number FCC 01-27, 2001 FCC LEXIS 473 (January 23, 2001) ("FCC DA Order"). Specifically, Sprint points out that "while addressing an unrelated question concerning an incumbent local exchange carrier's ('ILEC's') obligation to make directory listing databases available to directory assistance providers on non-discriminatory terms, the FCC considered providers of directory assistance ('DA') who complete calls are actually providers of telephone exchange services." Sprint Motion at ¶ 5. Sprint argues that the FCC

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determined that where a directory assistance provider completes a local call, and does not merely hand the call off to another entity to complete the call, the services provided are telephone exchange services subject to requirements under Section 251 of the Act and contends that "[t]he call completion aspects of DA discussed in the new FCC order, and the call completion aspects of Sprint's OS platform in routing a local Sprint's OS platform in routing a local-to-local dial-around call are analogous." Id. Therefore, Sprint argues that the FCC DA Order supports its argument raised in this proceeding that it should be required to pay Verizon MA reciprocal compensation rather than access charges Sprint routes calls from one Verizon MA customer to another Verizon MA customer in the same local calling area (by dialing "00" for example). (1)

Even assuming that the FCC DA Order supports Sprint's argument, and it does not, it is completely irrelevant to any issue pending before the Department. (2) As Verizon MA discussed in its recently filed Opposition to Sprint's Motion for Reconsideration, the issue before the Department is not whether the traffic is local, but whether it is local traffic eligible for reciprocal compensation. See Verizon MA's Opposition to Sprint's Motion for Reconsideration dated January 31, 2001, at 6. The FCC DA Order does not address this issue at all and, therefore, provides no information which would assist the Department in its review of its previous (and correct) decision that access charges, rather than reciprocal compensation applies to these such traffic. See Arbitration Decision (December 11, 2000), at 11. In short, the FCC DA Order is completely irrelevant and thus, does not merit official notice by the Department.

For all of the foregoing reasons, the Department should deny Sprint's Motion.

Respectfully submitted,

VERIZON NEW ENGLAND INC.,  
d/b/a VERIZON MASSACHUSETTS

By its attorneys,

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1.

1 The dispute does not involve calls from a Sprint customer to a Verizon MA customer.

2.

2 For example, there is no support in this record for Sprint's conclusory assertion that the DA arrangement described in the FCC DA Order is analogous to the dial-around service Sprint seeks to offer in Massachusetts. It is undisputed that the referenced decision did not address the specific arrangement Sprint intends to offer in Massachusetts.